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Attorneys for Plaintiff
SUCCESSFACTORS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SUCCESSFACTORS, INC., a Delaware
corporation,

Plaintiff,

v.

SOFTSCAPE, INC., a Delaware
corporation; and DOES 1-10, inclusive,

Defendants.

Case No. CV 08 1376 CW

**DECLARATION OF PATRICK PREMO IN
SUPPORT OF STIPULATION AND
[PROPOSED] ORDER FOR BRIEFING
SCHEDULE FOR PLAINTIFF'S MOTION FOR
PROTECTIVE ORDER AS TO THIRD PARTY
SUBPOENAS ISSUED BY DEFENDANT
SOFTSCAPE, INC.**

I, Patrick E. Premo, declare as follows:

1. I am a partner with the law firm of Fenwick & West LLP, counsel to Plaintiff SuccessFactors, Inc. ("SuccessFactors"). I am an attorney admitted to practice before this Court. I submit this declaration in support of the Stipulation and Proposed Order for a Briefing Schedule for Plaintiff's Motion for Protective Order as to Third Party Subpoenas Issued by Defendant

1 Softscape, Inc. ("Subpoena Motion"), and, if called upon, could and would testify competently
2 thereto.

3 1. I have conferred with Jessica Grant, counsel for Defendant Softscape, Inc.
4 regarding SuccessFactors' Motion for a Protective Order as to Third Party Subpoenas Issued by
5 Defendant Softscape, Inc. I explained to her that Plaintiff intends to file this motion on April 29,
6 2008, to seek relief from several third party subpoenas that Defendant caused to be issued and
7 served upon SuccessFactors' customers. It is my understanding that Defendant intends to oppose
8 this motion.

9 2. Because the Defendant sought production of documents and depositions from
10 SuccessFactors' customers as early as May 8, 2008, Plaintiff's Subpoena Motion must be heard
11 on shortened time. After some negotiation, Defendant's counsel agreed to delay the first
12 subpoena response date to May 12, 2008, but this is still much sooner than a motion on a normal
13 briefing schedule would be heard. Under Local Rule 7-2, a motion ordinarily may not be heard
14 less than 35 days after service, so without shortened time, Plaintiff's Subpoena Motion would not
15 be heard before June 5, 2008. All four third party subpoenas that Defendant has issued upon
16 SuccessFactors' customers purport to have response dates before June 5, 2008. Thus Plaintiff's
17 Subpoena Motion would be futile if not heard on shortened time.

18 3. The Court has allowed early commencement of discovery and the Rule 26(f)
19 conference but has otherwise not made other time modifications of which I am aware.

20 4. I am not aware of any effect that Plaintiff's request for shortened time, if granted,
21 will have on the remaining schedule for the case.

22 5. Plaintiff and Defendant are willing to agree and stipulate that SuccessFactors'
23 Subpoena Motion will be filed and served by 3:00 P.M. Pacific Daylight Savings Time on
24 Tuesday, April 29, 2008; Softscape's opposition, if any, will be filed and served by 3:00 P.M.
25 Pacific Daylight Savings Time on Friday, May 2, 2008; and SuccessFactors' reply, if any, will be
26 filed and served on or before Monday, May 5, 2008.

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1 I declare under penalty of perjury under the laws of the United States of America and the
2 State of California that the foregoing is true and correct, and that this declaration was executed
3 this 29th day of April, 2008, in Mountain View, California.
4

5 /s/ Patrick Premo

6 Patrick Premo

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